

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID CHARLES BURTON, JR II,

Petitioner

v.

WARDEN CLYDE GAINEY, et. al.,

Respondents

CIVIL ACTION

NO. 07-911

FILED

SEP 21 2007

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 20 day of Sept, 2007, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Response thereto, and after review of the Report and Recommendation ("R&R") of United States Magistrate Judge Henry S. Perkin dated August 28, 2007, IT IS HEREBY ORDERED that:

1. the R&R is APPROVED and ADOPTED;
2. the Petition for Writ of Habeas Corpus is DENIED with prejudice and DISMISSED without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

MICHAEL M. BAYLSON, J.

cc: Burton (mail)
Selzer (Fax)